



# United States Department of the Interior

## MINERALS MANAGEMENT SERVICE

Royalty Management Program  
P.O. Box 25165  
Denver, Colorado 80225-0165



IN REPLY REFER TO:

DAD/PSO 2000-030-30-01-02-06  
Mail Stop 3006

Ms. Patricia D. Bragg  
Gardner & Wynne, LLC  
200 Oneok Plaza  
100 West Fifth Street  
Tulsa, Oklahoma 74103 4240

T. Fair  
5/23/2000  
MAY 23 2000

Dear Ms. Bragg:

This is in response to your January 25, 2000, Freedom of Information Act (FOIA) request (copy as Enclosure 1).

Enclosure 2 contains 401 pages of documents **plus one map from the Minerals Management Service Royalty Management Program (MMS/RMP) that are responsive to Item Nos. 1 and 2 of your request.** Information responsive to Item No. 3 of your request, "Any solicitor opinion..." will be provided in a separate response from the Office of the Solicitor.

Our policy, in keeping with the spirit of the FOIA, is the prompt release of records to the greatest extent possible. At the same time, we must protect the rights of individuals and the administrative processes surrounding such rights. The FOIA regulations require us to withhold information **protected under FOIA** exemptions at 43 CFR § 2.13 (1999) when disclosure is prohibited by statute or Executive Order, or if sound grounds exist to apply an exemption.

The appearance of **privileged and confidential data** in the enclosed material establishes a sound ground for applying Exemption 4 of the FOIA, which exempts from disclosure "... trade secrets and commercial or financial information obtained from a person and privileged or confidential. We apply this exemption because we believe that the public release of this information could jeopardize the competitive and financial standing of those parties associated with it.

We have deleted certain **price and value information, bid amounts and industry strategy details.** We have replaced such information with the marking "X-4" to indicate that the material is withheld under Exemption 4 of the FOIA.

Also under Exemption 4, we are withholding the following documents in their entirety:

|                     |                 |         |
|---------------------|-----------------|---------|
| Consultant's Letter | October 6, 1999 | 1 page  |
| Consultant's Report | September, 1999 | 4 pages |
| Consultant's Letter | October 6, 1999 | 2 pages |

We believe that the release of these documents could compromise the program's effectiveness and the government's interest in obtaining a fair market value for its mineral production. These documents contain specific information that was used to determine the minimum bid threshold.

Rm File

Ms. Patricia D. Bragg

Other withheld information in the enclosed materials describes the government's strategy in determining the minimum bid threshold and the volumes offered for bid. We are withholding this information because its release could compromise the program's effectiveness and the government's interest in obtaining a fair market value for its mineral production. We have replaced such information with the marking "X 4" to indicate that the material is withheld under Exemption 4 of the FOIA.

As the Royalty Management Program FOIA Officer, I am the official denying a portion of your request. If you disagree with this determination, you have the right under Department of the Interior regulations at 43 CFR § 2.18 (1999) to appeal to:

Freedom of Information Act Appeals Officer  
Office of Information Resources Management  
Mail Stop 5312  
1849 C Street, NW  
Washington, DC 20240

Your written appeal must be delivered to the FOIA Appeals Officer no later than 20 working days from the date of this letter. The appeal must include copies of your original request and of the initial denial. To expedite the appellate process and to ensure full consideration of your appeal, include a brief statement as to why you believe this decision is in error. Both the envelope containing the appeal and the face of the appeal itself should include the legend "FREEDOM OF INFORMATION ACT APPEAL."

In accordance with 43 CFR § 2.20(a)(1) (1999), we assess user fees to fulfill a FOIA request. Personnel charges cover our costs to conduct document searches and to review, identify, and delete privileged and confidential information. Other charges cover the direct costs of providing the material.

Standard charges are:

|                      |                                  |                    |              |
|----------------------|----------------------------------|--------------------|--------------|
| Professional support | \$18.60/hour                     | Computer/mag tapes | \$25.00/each |
| Clerical support     | \$ 9.20/hour                     | CD-ROM             | \$ 6.00/each |
| Photocopies          | \$ .13/page                      | 8 mm. tapes        | \$10.00/each |
| Microfiche           | \$ .08/page                      | Computer Diskettes | \$ 1.25/each |
| Computer (CPU) time  | \$35.00/minute (\$25.00 minimum) |                    |              |

Fees on overdue bills include a \$35 administrative charge plus interest at the prevailing Treasury rate.

Enclosure 3 is a bill for \$352.73, the cost to fulfill your request.

If you have any questions, please contact Ms. Tracey L. Fay at 303-231-3430 or me at 303-231-3628.

Sincerely,

O/S

Laurita C. Summerton  
Freedom of  
Information Act Officer

Enclosures

bcc: RM File (705-16)  
MMS FOIA Officer, MS 2200 (e.t.)  
PSO Chron. MS 3006  
LCD FOIA Coordinator, MS 3640 (e.t.)  
SICD FOIA Coordinator, MS 3660 (e.t.)  
RVD FOIA Coordinator, MS 3150 (e.t.)  
ARD FOIA Coordinator, MS 3132 (e.t.)  
WASC FOIA Coordinator, MS 2730 (e.t.)  
LMS:RMP/DAD/PSO:MS3006:TFay:05/23/00:303-231-3430:s:\FOIA\2000Logs&Letters\2000-030-30-01-02-06.doc  
Finalized:ipm:05/23/00